

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

)
) MDL NO. 1456
) Civil Action No. 01-12257-PBS
) Subcategory No. 07-12141

THIS DOCUMENT RELATES TO:

State of Iowa

v.

Abbott Laboratories Inc., et al.

)
) Judge Patti B. Saris
)
)
)
)

MAY 2011 STATUS REPORT FOR THE STATE OF IOWA

The undersigned counsel for the State of Iowa (hereinafter referred to as “plaintiff”) hereby submits the attached Status Report for May 2011, in accordance with the Court’s June 17, 2004 Procedural Order.

Dated: May 2, 2011

Respectfully submitted,

KIRBY McINERNEY, LLP
825 Third Avenue
New York, New York 10022
(212) 371-6600

By: /s/ Joanne M. Cicala

Joanne M. Cicala

Counsel for the State of Iowa

May 2011 Status Report for the State of Iowa

Voluntary Dismissal of Claims

On April 14, 2011, plaintiff filed a notice of voluntary dismissal of claims against defendant Tap Pharm. Products, Inc. n.k.a. Takeda Pharm. N.A., Inc. *See* Docket No. 7502, Sub-docket No. 112.

On April 15, 2011, plaintiff filed a notice of voluntary dismissal with prejudice of claims against defendant Novartis Pharmaceuticals Corp. *See* Docket No. 7505, Sub-docket No. 113.

On April 20, 2011, plaintiff filed a notice of voluntary dismissal of claims against defendants Hoffman-La Roche, Inc. and Roche Laboratories, Inc. *See* Docket No. 7509, Sub-docket No. 115.

Joint Motion to Extend Time to Complete Expert Discovery

On April 19, 2011, the court entered an order granting the parties' joint motion to extend the deadlines to complete discovery. *See* Docket No. 7507, Sub-docket No. 114. The Order modified the deadlines as follows: (1) all fact discovery timely sought by defendants to be completed by February 18, 2011, (2) plaintiff's expert depositions to be completed by March 17, 2011, (3) defendants' expert reports to be served by April 14, 2011, and (4) defendants' expert depositions to be completed by May 31, 2011.¹

On May 2, 2011, the parties jointly moved to extend the time to complete expert discovery as follows: (1) depositions of plaintiff's experts to be completed by May 12, 2011; (2) defendants' expert reports and other materials in compliance with Fed. R. Civ. P. 26(a)(2)(B) to be served by May 27, 2011; and (3) depositions of defendants' experts to be completed by July 15, 2011. *See Joint Motion to Extend Time to Complete Expert Discovery* [Docket No. 7522,

¹ On February 3, 2011 Magistrate Judge Marianne B. Bowler entered an electronic order only in the Iowa sub-docket 07-CV-12141 granting the parties' joint motion to extend the discovery deadline.

Sub-docket No. 116]. This motion remains *sub-judice*.

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on the 2nd day of May, 2011, she caused a true and correct copy of the above May 2011 Status Report for the State of Iowa to be delivered to counsel of record for defendants by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL No. 1456.

Dated: May 2, 2011

/s/ Kathryn B. Allen
Kathryn B. Allen
Kirby McInerney LLP
825 Third Avenue
New York, NY 10022
(212) 371-6600